

article consisted wholly of cottonseed meal and contained not less than 38.62 per cent of protein and not more than 12 per cent of crude fiber, whereas, in truth and in fact, said article did not consist wholly of cottonseed meal, but did consist in part of cottonseed hulls, and said article did contain less than 38.62 per cent of protein and more than 12 per cent of crude fiber. Misbranding was alleged with respect to the shipments of May 1, 2, and 3, 1918, in that the statements, to wit, "Meal," "Made from Decorticated Cotton Seed," "Guaranteed Analysis * * * Protein 38.62 per cent * * * Crude Fiber 8 per cent," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading, and for the reason that it was labeled so as to deceive and mislead the purchaser in that it was represented that said article consisted wholly of cottonseed meal, and that said article contained not less than 38.62 per cent of protein and not more than 8 per cent of crude fiber, whereas, in truth and in fact, said article did not consist wholly of cottonseed meal, but did consist in part of cottonseed hulls and did contain less than 38.62 per cent of protein and more than 8 per cent of crude fiber. Misbranding of the article was alleged with respect to the shipment on April 23, 1918, in that the article was a mixture composed in part of cottonseed hulls which contained only 6.55 per cent of ammonia prepared in imitation of 7 per cent ammonia cottonseed meal, and was offered for sale and sold under the distinctive name of another article, to wit, 7 per cent ammonia cottonseed meal. Misbranding was alleged with respect to the shipment of April 23, 1918, in that the article was food in package form, and the quantity of the contents thereof was not plainly and conspicuously marked on the outside of the package.

On December 22, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$275.

E. D. BALL, *Acting Secretary of Agriculture.*

7842. Misbranding of Mir-A-Co. U. S. * * * v. 38 Bottles of Mir-A-Co. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11167. I. S. No. 6789-r. S. No. C-1444.)

On September 13, 1919, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 38 bottles of Mir-A-Co, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped on or about June 30, 1919, by the Mir-A-Co Co., Houston, Tex., and transported from the State of Texas into the State of Louisiana, and charging misbranding under the Food and Drugs Act as amended. The article was labeled in part, "Mir-A-Co * * * Nature's Gift * * * A concentrated artificial mineral water, free from alcohol or any added drug * * * Anti-septic-tonic-styptic, * * *. The Mir-A-Co Company, Houston, Texas, U. S. A."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

	Grams per liter.
Sulphur, as SO_2 -----	53.358
Iron, as Fe_2O_3 -----	30.224
Phosphorus, as P_2O_5 -----	0.383
Alumina, as Al_2O_3 -----	1.079
Chlorin-----	0.140

Misbranding of the article was alleged in substance in the libel for the reason that the following statements which appeared on the label and in the booklet, to wit, "Analysis: 87.260 g. Sulphur as SO_2 per Liter, 36.420 g. Iron as Fe_2O_3 per Liter, 0.250 g. Silica per Liter, 0.638 g., Phosphorous as P_2O_5 per Liter, 19.442 g. Alumina as Al_2O_3 per Liter, 1.340 g. Magnesia as MgO per Liter, 0.012 g. Chlorine per Liter. Furthermore, traces of Lime, Potash and Soda," were false and misleading, since the actual analysis was as above indicated.

Misbranding was alleged in substance for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle) "* * * For * * * promoting the digestion, strengthening the stomach * * * vitalizing the nerves, relieving bacterial rheumatism * * * for colic, diarrhoea and summer complaint * * * for burns, cuts, insect bites, itch, nose bleed, sores, ulcers, wounds, etc. * * *;" (booklet), "* * * for promoting the digestion, strengthening the stomach * * * vitalizing the nerves and relieving bacterial rheumatism. Colic and Diarrhoea * * * for relieving colic, cramp, diarrhoea, chronic dysentery and summer complaint * * * for abscesses, boils, burns, catarrh, cuts, hay fever, hemorrhoids, insect bites, itch, leucorrhoea, nose bleed, scalds, sores, ulcers, wounds, etc. * * *;" (testimonial, page 11) "' * * it has completely relieved a rheumatic ailment that has been bothering me for several years;" (page 12) "' * * I am now nearly 72 years old and for 30 years I have been a sufferer from indigestion, but now I eat anything I crave, and feel no serious inconvenience, due to my having taken not quite all the contents of only one bottle of your discovery that you call Mir-A-Co. * * *;" (page 13) "' * * I suffered from indigestion. My sister-in-law sent me part of a bottle of Mir-A-Co. The first dose helped me and in a little while I felt good and could eat anything I wanted. Ever since we keep a bottle in the house and I can't imagine how we could get along without it * * *;" "' * * My hand has been swollen for a year and a half and useless for over a year and at times the rheumatic pains were almost unbearable. Now, after having taken 2 bottles of your wonderful Mir-A-Co mineral water the swelling and the pain have disappeared and I am again a two-handed man * * *;" (page 14) "' * * For 9 years I have used Mir-A-Co and feel that it has practically been the means of saving my life for I was nearly dead with kidney trouble and indigestion * * *;" "' * * For years I have had stomach trouble and indigestion and have found no relief only in Mir-A-Co;" (page 15) "' * * Directions for using * * * For promoting the digestion, strengthening the stomach, vitalizing the nerves, and relieving bacterial rheumatism * * * for colic, diarrhoea and summer complaint * * * for abscesses, boils, burns, cuts, hemorrhoids, insect bites, itch, scalds, sores, ulcers, wounds, etc. * * * for catarrh, nose bleed, hay fever, hemorrhoids (blind or bleeding), leucorrhoea, sore throat, etc. * * * for ulcerous affliction of the uterus, use Mir-A-Co in combination with pure glycerine, as a pack * * *;"

On January 17, 1920, no claimant having appeared for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*